REMARKS

Claims 10-18 are pending in this application. By this Amendment, claims 10 is amended. No new matter is added by this amendment. Reconsideration of the application based upon the above amendment and the following remarks is respectfully requested.

The Office Action, in paragraph 2, objects to claim 1 for informalities. Applicants understand this objection, to be to claim 10, as claim 1 has been previously canceled. Claim 10 is amended to obviate the objection. Withdrawal of the objection to claim 10 for informalities is respectfully requested.

The Office Action, in paragraph 4, rejects claims 10, 13, 15 and 18 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,847,819 to Yanagi. Additionally, the Office Action, in paragraph 6, rejects claims 11 and 12 under 35 U.S.C. §103(a) as being unpatentable over Yanagi in view of U.S. Patent No. 4,709,146 to Reitsema. The Office Action, in paragraph 7, rejects claims 14 and 16 under 35 U.S.C. §103(a) as being unpatentable over Yanagi in view of U.S. Patent No. 5,608,220 to Wieser et al. (hereinafter "Wieser"). The Office Action, in paragraph 8, rejects claim 17 under 35 U.S.C. §103(a) as being unpatentable over Yanagi in view of JP-A-09-197177 to Hironori et al. (hereinafter "Hironori"). The Applicants respectfully traverse these rejections.

The Office Action asserts that Yanagi teaches the features positively recited in independent claim 10. This assertion is incorrect. As illustrated in Fig. 1 of Yanagi, the mirror surface 7a of dichroic prism 7 is not arranged proximate to and outside the optical path of the second beam, as positively recited in claim 10.

Yanagi teaches two separate mirror surfaces 8a and 7a on the dichroic prisms that separately reflect different colors of measuring light. However, mirror surface 8a does not cause reflected light to pass through a zone of the space wherein an object to be analyzed is to be exposed. Yanagi requires the use of mirror surface 7a to reflect a light beam to pass

through a zone of the space wherein an object to be analyzed is to be exposed. Therefore, the mirror surface 8a of Yanagi cannot reasonably be considered to correspond to the reflecting means with all of the features as positively recited in the subject matter of the pending claims. The mirror surface 7a of Yanagi is located within the optical path of the first light beam. This is in direct contrast to the subject matter recited in pending claim 10, that recites that the reflecting means are arranged proximate to and outside the optical path of the second beam. Therefore, Yanagi cannot reasonably be considered to teach the features as positively recited in the subject matter of the pending claims. The applied prior art references of Reitsema, Wieser and Hironori, in any permissible combination, do not overcome the deficiencies as discussed above in the application of Yanagi to the subject matter of the pending claims.

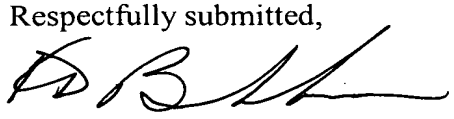
For at least the above reasons, Yanagi, either alone or in any permissible combination with the other applied prior art references, as enumerated above, cannot reasonably be considered to teach, or to have suggested, the combination of all of the features recited in at least independent claim 10. Further, claims 11-18 also would not have been suggested by the applied prior art references for at least the respective dependence of these claims on an allowable independent claim 10, as well as for the separately patentable subject matter that each of these claims recite.

Accordingly, reconsideration and withdraw of the rejections of claims 10-18 under 35 U.S.C. §102(b) and §103(a) as being anticipated by Yanagi, or unpatentable over some combination of the applied prior art references, as enumerated above, are respectfully requested.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 10-18 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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